

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

January 11, 2012

### Regular Meeting

Chairman Pruett called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

#### **I. ROLL CALL**

##### Commissioners Present

Commissioner Anest  
Commissioner Camerota  
Commissioner Hall  
Commissioner Lenares  
Chairman Pruett  
Commissioner Sobieski  
Commissioner Woods  
Commissioner Aieta  
Commissioner Camillo  
Commissioner Turco

##### Commissioners Absent

##### Staff Present

Ed Meehan, Town Planner

Chairman Pruett: Before we start the meeting I'd like to offer our condolences to a long term member of our Commission, Bob Schatz on the recent loss of his wife. Bob, sorry for your loss and our prayers are with you.

#### **II. PUBLIC HEARINGS**

- A. PETITION 34-11 – Request for Zone Regulation amendment to add Section 3.15.8 Crematories regulated by Special Exception Nutmeg State Crematorium, LLC applicant, represented by Attorney Vincent Sabatini, One Market Square, Newington CT 06111. Referral to Capital Region Council of Governments required for inter-town advisory review.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, my name is Vincent Sabatini, I'm an attorney, One Market Square Newington, Connecticut and I'm representing the applicant. With me tonight is a representative from the applicant, Luke DeMaria, who also runs the Brooklawn Funeral Home in Rocky Hill, Connecticut and also with me is Ed Romero, he's a representative from Matthews Cremation. They make the equipment that would be used in the particular use that you will hear about tonight. Tonight you have three applications, two are public hearings, one is a site plan presentation. The two public hearings and the presentation by law have to be heard separately, but all of what I say tonight may apply to all of the hearings or some of the hearings. I apologize in advance if I become repetitive but I have to meet the requirements of the particular hearing that is before you. These applications are required in order to establish for the applicant a business use at 151 Kitts Lane in Newington, Connecticut. I trust that the Commission members will keep an open mind as we go through the process and in the end agree with me that this is a business

use that will be run in accordance with the highest standard and will be an asset to the Town of Newington. Before I get started, I want to submit a document for the record, and I have copies for all of the members of the Commission. The first I have is a copy for Ed so that he can have it in the record, and these documents would apply to all three hearings. If you could hand that to Mr. Meehan for the record and just take one of these and pass these around to everyone, there should be enough for everyone. So I would like to go through these documents. I will be referring to these documents throughout the course of the three hearings, but I want to make sure that they are part of the record. The first page is just a summary of the eleven documents that you are going to have before you. The first document is a copy of the proposed amendment to the Newington Zoning Regulations. When we crafted this particular amendment we wanted to make sure of three things. Number one, we wanted to make sure that the use was going to be only in the Berlin Turnpike BT Zone. That is important here because as you know, members of the Commission that have been on here before, the way that your zoning ordinances work, you start off with uses that are acceptable in the business zone, and they are incorporated by reference into subsequent zones, such as the Berlin Turnpike zone, the Planned Development zone, etc., but we wanted to make sure that this particular use is only for the Berlin Turnpike zone, and I'll let you know why, and I'll show you on the map why that is the case, so the way that this ordinance is written, that the crematory is allowed only in the B-BT zone, and the location of which can't be more than, can't be within five hundred feet of any residential structure or land zoned for residential purposes, and it's by Special Exception. The second document is a copy of your present ordinance and the section that we are dealing with is 3.15, and you will see that 3.15 allows certain uses in Newington already by Special Exception. The one thing I would like to make a point of here is that presently any use as a Special Exception in the Berlin Turnpike zone must take place within a building. That is what we are proposing here, that the use is only within the building. You can't have any uses as Special Exceptions in the Berlin Turnpike zone outside of the building. You will see that there are certain sections that require the use, veterinary hospitals, theaters, restaurants, drive through restaurants, night clubs, so we are adding the Section 3.15.8, which will be added to the end, after 3.15.7. The third document that you have is an aerial photograph of the site and the building is the building that you see here which is small, isolated building on the lot that is probably about 12,000, 15,000 square feet and this building is on Kitts Lane. Right now, the building itself has not been used for at least ten years. It's an abandoned piece of property, it's overgrown, weeds and trash and everything else, and it will be utilized for this particular purpose, the details of which I will get into later. Number four is a photograph showing you the front elevation of the building, and I just want to let you know at this point that the building itself, we are not anticipating any changes to the footprint of the building. So the size of the building is going to remain the same. What we do anticipate doing is that the building will be completely remodeled and with new windows and doors and fixed up and I will explain that to you a little bit later.

The next set of documents that I have for you to look at, and I have some photographs that are blown up so that everybody in the audience can look at it, this is just to orient you, a photograph that was taken across the street from the site, looking west, actually looking southwest and the two, one purpose of the photograph is to show you that the building itself which is here, behind this car, and the location that it is in, and the sort of, I like to use the word isolation of the building where it is bordered by a business that sells sheds, bordered by the granite store, which is now out of business, and again showing you that there is really nothing else around this site. The next photograph is a photograph that shows you the other side of the, it's taken from the site, and is looking out to the east. Again, showing you that there is a retail area there, and no residences that are visible from the area. The next photograph is a photograph that is taken looking south from across the street, and again, Kitts Lane in this area is four lanes wide, Stop and Shop is across the street from this site, and again from this advantage point, you can't even see the particular building that we are going to utilize, so these photographs are all part of the record.

The next document, exhibit six which I will talk to you about in a minute, are excerpts from your Plan of Conservation and Development which the Commission last year revised and updated. Number seven is a copy of the site plan, which I will show you during the course of the presentation, number eight is a copy of the interior floor plan indicating how this operation will work, and I'll explain that to you during the course of the presentation. Number nine is an article that was reprinted from the New York Times which talks about cremations, its current use, and people that are utilizing it. Number ten, two documents in number ten, one is a letter from the manufacturer, and we'll talk about this, but I do want to make this point, and we'll talk about it some more, but the point from the manufacturer, whose representative is here, that the equipment that is used has no odor and no smoke, but I will go into more detail on that. Part of the exhibit, the third page, is a chart which I am going to talk about during the actual hearing, but I'll point it up here, which compares the emissions comparison with various other uses in three different areas; the particulates matter, nitrogen oxide, the volatile organic compounds showing you the different, residential fireplace, diesel truck, restaurant and this particular site, ours are in green as you can see that we do not emit to any real significant degree any of these particular particulates compared to the other uses, that's a very low volume, and again, I'll talk about that some more. The last document I have is to identify the two general statutes that are involved in this. The first, by law, Section 8-2 talks about the fact that the crematorium can only, cannot be located within five hundred feet of any residence zone and I believe in this case we are at least 2000 feet away from any residential use or land that is zoned for residential use. The other statute that is involved is 19-83-20, and this statute is the state statute which I have drawn an analogy with the motor vehicles statutes. As you know, you are the local Zoning Authority if somebody wants to have an automotive use in town, you have to give approval, but then final permit, the final license is obtained from the Department of Motor Vehicles. In this case, the process starts at the local level here at the Planning and Zoning Commission, and then the, if the approval is granted here, there are two other agencies, state agencies that the applicant has to go before. One is the Department of Environment and Energy for a permit to make sure that they are in compliance with the environmental, and then the Department of Public Health. So the starting point is here, and then the two state agencies are involved. Those are the documents that I have identified for the record that need to be put into the record. I have to give to Ed, under the statutes we are required to give notice of this hearing to the Department of Public Health and this is a copy of a letter that we wrote on January 4, 2012 to the Department of Public Health, making them aware of the fact that we have given notice to them of this particular presentation. I also want to submit for the record a copy of my written remarks, in case I missed something. So, first we are going to talk about the zone change. As you know the regulations do allow for a funeral parlor, in fact in the business zone regulations calls for a funeral parlor, this is different than that. We're not asking to be a funeral parlor. We're applying under the state statutes, 19-83-20 to be a crematorium. If we were applying as a funeral parlor we would probably have come here and asked for a Special Exception although the use of crematory use is not mentioned in the regulations at all in Newington so more than likely we would still require a zone amendment. The language that we are proposing, we are not changing the zone at all. All we are doing is identifying a use. Just similar to uses that are already identified as Special Exceptions under 3.15.8, theater, veterinary hospital, the drive in restaurants that I indicated. So again, what we did was, in order to allow you to consider the use we have to amend the regulations, that's the first thing we have to do at this zone change hearing. What we did, we were careful about the language. Again, we restricted the use only to the Berlin Turnpike zone and the reason why we did that is this. Usually you had the big zoning map here, and I don't see it here in this room, you had it in the other room, the, and I only have a small copy but I think everybody can see this, and I do have a copy of this in the documents. The Berlin Turnpike zone is in red, and you can see, and it's a small area in the whole Town of Newington. It's a small area relative to all of the Berlin Turnpike. The Berlin Turnpike is Planned Development zone

primarily which shows up in the light blue color. The BT zone of the Berlin Turnpike is a small area and is shown here and our site is in this little triangle. The triangle that forms the area between Kitts Lane and the Berlin Turnpike and where the lot that is one in from that area. Now in this area, because of the situation and the restrictions of the five hundred feet requirement this is the only area that this use could ever be put to in the Town of Newington. Even across the street, if we were to look at a BT Zone, we would be within five hundred feet of a residential zone. Even if we went further up, so anyone who has concerns or a fear, a lot of times this question comes up, well, you're going to have this use, and it's going to be wide open, anybody can have it, it's going to be in the PD zone and all that, it can't be. It can only be in the Berlin Turnpike zone and because of the restrictions by the state it can only be in this particular area, where this particular site is. Now not only does, the fact that you approve the use, doesn't mean that anyone can get a permit to have it because built into the regulation is the fact that we have to get a Special Exception permit. That means that if you say, okay, we'll have a crematory use in town, it doesn't mean that we are going to give a permit to A,B,C, or John Jones or anybody, they have to go through the process and I'll explain that to you, what that process is. The other thing is the restriction with the five hundred feet. Then of course there is the added restrictions put in by the State of Connecticut with the requirements that you have to get permits from the Department of Health and Department of Environment and Energy. So that is what that language says, and that's what I would ask you to, when you are looking at this, to take into account the language that we put in, and the restrictions that are in this particular thing.

Now, for the record, we did advertise, we put up a sign for a public hearing, notice was published in the newspaper, and we have in fact filed a notice with the Department of Health. Under the law, 8-3 (b), when you are considering an amendment to your regulations you have to refer to the Plan of Conservation and Development and as I indicated to you, I attached those documents as Exhibit Number six and there are specific references in exhibit number six that I would like to turn your attention to. They are pages 1,2,7,9,10 and 35, and I believe that you'll see and you will conclude with me that this particular use does in fact meet the guidelines and the objectives of the Plan of Conservation and Development. On page one, you identify the trends and opportunities, what is going on in the Town of Newington and you talk about the limited supply of vacant developable land which limits the growth of the grand list. You talk about the reuse of existing commercial and industrial properties with the essential for continued grand list growth. Now this particular site has been an abandoned site. I think a landscape company had it maybe ten, twenty years ago. Right now it produces nothing. It's an eyesore to the town, it produces no revenue, the applicant here is willing to invest a million dollars or more to clean up the property. As you can see from the site plan that we are submitting the entire site will be landscaped, new paving, the building will be renovated, new fencing and at the end of the day, it will be a valuable asset to the town producing tax revenue, utilizing an abandoned piece of property. I submit to you, when you look at this objectively there really is a limited use for this property. It's a small site, no one else is really going to invest the money to do what has to be done to the property and that is the reason probably why it is sitting there, going unsold, unused all of these years. So, this meets the goal I believe of your Plan of Conservation and Development on page one. On page two you talk about your vision statement, talk about the quality of life enhanced by what is going on in the town, the fact that land uses that support the town's grand list are essential to a vibrant economically successful community, that's what you say. I think whatever enhances your mill rate, as long as it does no harm, is a benefit. This is a use that will not do any harm to the town. On page seven, you identify the population and the age composition of residents of the Town of Newington. You identify the fact that the projected proportion of older age groups, and I think when you consider this particular use, you want to say, is this a service that we are going to be providing to the residents of the Town of Newington who will not have to leave their area to avail themselves of this particular service if they want it, and I'll talk about the frequency of this particular use as an alternative to traditional burial type things.

On page nine, you look at, you identify the economic contributors to the town, and the tax payer equity, on page ten you talk about undeveloped and under developed land and that a goal of the town is to in fact use underdeveloped land for a positive type of use and investment, and I submit to you that this is one. On page thirty-five, the next page I just enclosed a copy of the zone map which you are seeing here on the big board, on page thirty-five, you talk about the appropriateness of the town to reuse and redevelop existing properties, take advantage of locations and services and especially you say to create additional uses for all unused buildings. So, all of the requirements of the Plan of Conservation and Development that you have to meet, are in fact met by this particular use. I'd like to go on to say you are going to utilize a run down building, and a site that owing to its size is not suitable for any realistic use, to provide revenue to the town, that will provide jobs to the town, makes use of an existing site, and not impact on traffic. This use will not be visible from the street, not interfere with any other businesses. This is a wide four lane highway, and when the landscaping and everything else is done, it will not again, interfere. It's going to be restricted to a small portion of the town, and a small portion of the B-BT Zone. It will be subject to the Special Exception requirements, where you have the right to discuss the compatibility, character of the area, the traffic, the lighting, the landscaping, the utilities, and the like. On this particular site there will be no lighting except on the building, two small lights on the building, there will be no sign, except a directory sign, the operation will be conducted between the hours of 9:30 to 3:00 during the day. The operation will be such that there is a sliding metal gate which is in front of the building, one vehicle will drive through that gate, the garage door will open, the vehicle will go into the site, the vehicle will exit through a garage door on the other side of the building, and that will be the extent of what is going on. There will be two employees there and this will be operated by someone who has been in the business for many years. The operators of the funeral home, Brooklawn, they have had over ninety years of experience and we believe that this is a use that would utilize, just to sum up here, utilize an abandoned site, add jobs, revenue, has built in protection because you cannot issue a permit unless there is a special permit, will comply with the Department of Public Health and the Department of Energy and Environment, restricted to one zone and one area of that zone, it's approximately 2,000 feet away from any residential use, there is no smoke or odor, and the manufacturer's rep here will talk about that if you want him to answer any questions, and operated by a reputable company, and provide a needed use for the citizens of the Town of Newington. So that ends my formal remarks. I have not seen any report from Mr. Meehan so I'm not able to respond to that so when it is submitted I would like the opportunity to look at it and respond to it. If anyone has any questions, I'd be happy to answer those.

Chairman Pruet: You mentioned, will this be open for customer business or be strictly operational by the technicians operating this?

Attorney Sabatini: It's just going to be operational for the technicians.

Chairman Pruet: You mentioned no sign on the building at all?

Attorney Sabatini: That's correct.

Chairman Pruet: Okay, Ed staff comments?

Ed Meehan: Attorney Sabatini, you are directing your comments to Petition 34-11, the zone amendment.

Attorney Sabatini: The zone amendment, yes.

Ed Meehan: Thank you. I do have a staff report which is on the Commission's table and Mr. Sabatini should have a copy of that. My remarks are, basically explaining to the Commission some of the comments that Mr. Sabatini mentioned, Attorney Sabatini regarding how you reflect upon your Plan of Conservation and Development in making policy changes, zoning regulation changes and I've offered to the Commission some of the pages in your zoning regulations, some of the vision strategy and goals that it may affect how you look at this as a new business on the Berlin Turnpike. I think the key thing here is how you feel this use, as a new use in your zoning regulations is compatible with the vision and the policy statements in the Plan of Development. As the Berlin Turnpike is treated in the plan, it is considered a major regional retail corridor and our strategy to talk about that, and talk about the issues of impact on adjacent zones, particularly residential zones. The Berlin Turnpike business zone is fairly limited, I agree with what the attorney has presented to you. It is basically the northern third of the highway. On the east side, it extends from Ann Street north to the Wethersfield town line, and on the west side it extends from the south, a landmark might be Bond Dinettes north up to 5 & 15, up to the Siesta, Fat and Happy restaurant. So within that area, we have about 150 acres of zoned land for Berlin Turnpike business. Very little, if any, is vacant. There's probably only two lots, two vacant pieces of property in that whole geography that are available as vacant land. There are several businesses or buildings that have obsolete characteristics or are under utilized in that corridor. So I would encourage you to reflect upon the Plan of Conservation and Development. If you are going to act on this you would need to look to the Plan and base some of your findings on the support you find in the Plan. There is a report from the Capital Region Council of Governments that should be introduced into the record, I'll make it part of the record. The Regional Planning Agency is charged with recording as an advisor to the town as to the conflicts or potential conflicts of any zone changes that may affect the neighboring towns. The comment sent from the Capital Region Council of Governments is they find no apparent conflict with regional plans and policies or concerns of neighboring towns. So that was from Capital Region Council of Governments. This is a policy or legislative decision by the Commission and so this starts the process of moving this application forward if you vote for it then the Special Exception requirements that have been put forth and how the Commission looks at that would be the next thing that you would talk about. If you don't vote for it, the site plan and Special Exception are somewhat moot points, but I don't think you are going to vote tonight anyway, so that's my input and as I said, the report is in the record and it has been made available to the applicant.

Chairman Pruet: Okay, thank you. Commissioner comments?

Commissioner Aieta: In 19 A-320 the first subsection A, it talks about, under the state guidelines that a crematorium can only be constructed as part of a cemetery. Is that, how does that, you gave us that language, I'm just reading what you gave us. Can you give us.....

Attorney Sabatini: No, it says in a cemetery or shall be within the confines of a plot of land approved for location of a crematory by the Selectmen of any town, the Mayor and Council, Board of Aldermen of any city and Burgesses of any borough, or Planning and Zoning Commission. There are two parts to it, a cemetery or any land approved by this agency.

Commissioner Aieta: Okay, so there is an "or" .....

Attorney Sabatini: Yes, it says right in there, in the middle of Section A, where it says, crematory or shall be within the confines of a plot of land.

Commissioner Aieta: Okay.

Chairman Pruet: Any further Commissioner comments?

Commissioner Aieta: One other thing, Mr. Meehan, on a vote for a change like this, is it required more than a majority vote?

Ed Meehan: In this sense it's hard to do that, because if someone is going to offer, I don't know if the public is going to come forward and offer a protest, this is a protest that normally is accompanied with a zone map change, a specific geographic area where you have people within a five hundred foot radius, if twenty percent of the property owners within a five hundred foot radius of a zone change protest, then it requires a two thirds vote. This case, this is a change to the list of uses permitted by Special Exception. Theoretically, this change, if you approve it, could apply to the 150 acres of the Berlin Turnpike business zone so, to answer your question, a protest I believe would not apply in this case.

Commissioner Aieta: I wanted that for the record, thank you.

Commissioner Turco: So the answer is majority.

Ed Meehan: Majority vote, four members.

Commissioner Aieta: Thank you.

Commissioner Sobieski: State law says, according to what you said here, it's got to be five hundred feet away from any residential property, am I correct?

Attorney Sabatini: Yes.

Commissioner Sobieski: I'm looking at this copy that I got from Mr. Meehan, I see three houses within a five hundred foot radius, am I correct?

Attorney Sabatini: No, it was two thousand feet away from a residential zone or residential property.

Ed Meehan: That's really the subject of the next petition.

Chairman Pruet: We'll discuss it on the next petition.

Ed Meehan: This is not an issue before the zone change. This is a policy change, it's not site specific.

Chairman Pruet: This is strictly a policy change.

Commissioner Hall: I have a question, I know that Attorney Sabatini said that a sign was posted, I was there today even, going into Stop and Shop and looked over and I didn't see the sign. Where was it posted on the property?

Commissioner Aieta: I think it was on the Berlin Turnpike side.

Commissioner Hall: Nope, because I went by tonight coming to the meeting.

Ed Meehan: I saw the sign on the Kitts Lane side.

Commissioner Hall: Did you, because today didn't, just wanted to make sure it was there.

Chairman Pruett: I saw it too. Further Commissioner comments before we turn it over to the public? This is a public hearing and anyone from the public can speak in favor of this petition, may come forward at this time to the podium. State your name and address for the record. Now this is for the petition.

Bob Schatz, 239 Maple Hill Avenue: A month or so ago when I was sitting there, I knew this was coming up, and I thought, I went over to the site of where this was going to be, and it's very neglected, it's blighted, there's going to be a ton of money poured into this place, and also on the equipment side of it, which I dealt with about twenty-five years ago because we were going to install something similar to this, but it was for the pet industry, they are very well contained. As he said, they don't smoke, and we have a crematorium in town right now, which is at the Humane Society, and that's grandfathered in, it's within five hundred feet of a residence. My granddaughter lives in Rhode Island, and right across the street is a crematorium and she said she wouldn't even know it was there. A number of years ago, when I was a young man, it's hard to believe this, but people resisted Newington Memorial. Why would Newington need a funeral parlor, we don't have that many people in town, why do we need one? But it's probably a real blessing that we do have one, and I know there are people here that think it's a bad idea but from having some experience with this recently, I find it's very helpful for the family, for more ways than I can tell you here, but I think this is a real asset to the town. They are going to move some equipment in which is taxable every year and thank you for your patience here.

Chairman Pruett: Thank you Mr. Schatz. Anybody else from the public wishing to speak in favor of this petition?

Rose Lyons, 46 Elton Drive: I'm not in favor, or against, I just had to come up here and once again ask, please, the Commissioners, can you speak up. I know you can pick it up on the camera, but we can't hear where we are, and I just think for everybody's benefit, when we have a big crowd like this that either it be moved to the Town Council chambers or at least get some microphones in here where we can hear. I don't think it is fair to the people who have taken the time to come out to have to be standing up and reach out to listen to what you are saying. I know that you can hear one another, but it's very difficult in the audience to hear what is being said. Thank you.

Chairman Pruett: Okay, that's a very good point. If people can speak into the microphone it will help. Thank you. We are in the position of automating this room, into the 21<sup>st</sup> century, we have speakers coming, hope they will be here shortly. Anyone else from the public wishing to speak in favor of this petition?

Peter Rosenitis, 48 Churchill Drive: Just looking at this from a personal standpoint, I live, grew up in town here, moved to Wethersfield, all my life, back into Newington now and my three visions of what is happening is personal choice of grievance, money and just location. Just from the dollars point, your average funeral could be eight to fifteen thousand dollars, this is just my knowledge, and to have someone cremated, two to three thousand dollars. Lots of times, we are having economic issues now, and families could use the money, so just from a money standpoint instead of spending thirteen thousand for a funeral, and spacing, I'm not sure exactly the cemeteries in Newington, how much space is left you know, to put six feet under, but a crematorium and a personal choice that you are going to make, for the families you have more money saved and personal choice of grievance, that's individual whether you want to take ashes home with you, or you go to a site and visit. So those are my feelings, it's a personal choice, it's more convenient, but money wise, I think a crematorium for each persons preference, and just my own knowledge by going around town, if you want



to keep everything home, I believe there are more people of the age of 60 to 85 that are in Newington as opposed to 30 to 65, so that twenty-five year age difference from 35 year olds to 60, and 60 to 85, more people are towards the golden years, so you want to stay in town, family, keep it as one, that's my opinion, so I would be in favor of having it. Thank you.

Chairman Pruet: Anybody else wishing to speak in favor of the petition? Now it's people wishing to speak against the petition. Come forward and state your name and address for the record.

Barbara Burcey: I live at Crown Ridge Condominiums which is about a five or ten minute walk from the location of where the crematorium is going to be located. I'm opposed because I'm concerned about the property value of my condominium and the resale value of my condominium if it's known that there is a crematorium down the street. Now I've been watching the presentations, I understand that there's not supposed to be any odor, but I don't know, I'm not a scientist so I don't know that that can be guaranteed, and that there is no smoke, maybe there isn't going to be any smoke, but is there going to be steam or some other visible, something visible other than smoke that would be able to be seen from this location and close proximity to my unit. So, in a nutshell, that's it.

Doug Fernandez: I'm the owner at 2550 Berlin Turnpike known as Turnpike Motors Autobody, I just have a question, I'm a little confused. We're objecting to the zone change right now, is that going to be the same objection as to having it, having the crematorium, or do I wait and object to the crematorium?

Chairman Pruet: Right now it's strictly the zone change amendment for the regulations. The second part of this will be more specific for the crematorium.

Doug Fernandez: All right, so I should object then.

Audience: Object to both.

Doug Fernandez: We have property at, I don't know if you are familiar with the area, but Turnpike Motors occupies the three acres of land that is next to it, and I do believe that putting in zoning for a crematorium is not the best zoning change for this property, and I think it will affect the value of my property.

Chairman Pruet: Thank you.

Nancy Breneck, 89 Settlers Knoll: I am upwind of the proposed site, and right now I will just speak to the changes. There is a reason why it is not in the regulations already. We are densely populated and even if you can say that within five hundred feet there's only X residences affected. We are so dense with populated that residential residents, residential property will be affected as I said, upwind, downwind, sidewind, but most important there is a reason why the crematorium is not in the zoning right now.

Chairman Pruet: Anybody else from the public wishing to speak at this time?

Joe D'Esopo, 31 Woodsedge Drive: I've been a resident for eighteen years in Newington and I'm opposed to this. I don't know why we need another crematorium, we already have four in the area that I know of. Cedar Hill in Hartford, Riverbend in East Hartford, Brookside in Cromwell and Crown in Windsor are all crematoriums. Mercury is a colorless, odorless gas, and that is emitted by cremations. Thank you.

Robert Druin, Crown Ridge: My wife and I have been living together for the past six years in Crown Ridge and prior to that I was on Cottonwood Road and I also lived in several rentals since 1994. I speak against the exception. The services of the enterprise should not be located in areas where eating establishments exist in such close proximity. I do believe that these businesses would stand to lose much revenue with the institution of this business. I would also question the stress that might occur with regard to traffic flow. I would suggest the possibility of the location in the former radio station WPOP down the street, not too many residents are there.

Chairman Pruet: Thank you. Anybody else?

Mark Russo, 86 Crown Ridge: I've lived here for about four years. First I wanted to mention what was stated earlier as far as the Connecticut State Statute Charter 3.6. 8 K, Section 19A-320. The second sentence of that and the intent of it reads this way at least the one that I have, "The location of such crematory shall be within the confines of an established cemetery containing not less than twenty acres which cemeteries shall have been in existence and operation for at least five years immediately preceding the time of the erection of such cemetery," and then it goes on to say or shall and rephrases, but the initial intent is that this should have twenty acres around it in a cemetery, and it should be an established cemetery, that was one point. The second point I have to make is there are two supermarkets in the area, Stop and Shop and right next store is the Aldi Food Store, which I think will be affected to some degree. Then there are eight restaurants in that general area. You've got Joey Garlic's, the Dairy Queen right on the corner, and Joey Garlic's is right across the street, you've got Burger King on the corner, right there, Boston Market is across the street from the Berlin Turnpike, you've got Ruth Chris Steak House, you've got Wendy's, Dunkin Donuts and McDonald's near by. This is not the area for having a crematorium. The other thing that I wanted to mention is that according to the notes that I have, crematoriums are regulated through the Department of Environmental Protection, the DEP. They must adhere to emission regulations as well as obtain the operating permit. Particulate matter, carbon dioxide, carbon monoxide, CO, and hydrochloric acid are the regulated emissions. Mercury and dioxins, two other end products of crematories that are not regulated at this present time. There's also references to mercury from amalgam fillings, when you burn a human body you have amalgam fillings which give off mercury, and when they were saying earlier that they are not changing the building and all of this and everything is going to be within the building, well, the emissions are not within the building. They go out all over the neighborhood and these dioxins and mercury, you have to worry about breathing them in and so forth. If this is going to be an on-going thing, it's definitely going to bring my property values down, so what good is a little increase in taxes if everybody's property values go down. That's about all I have to say at the moment.

Chairman Pruet: Thank you. Any further comment from the public against this petition?

Ellen Shiller, 84 Settlers Knoll: I also live upwind of the proposed crematorium. I am against it for several reasons. One, the ethical, ethically I am against it because just from history, if you go back in history, and for what crematoriums were used for in the past. I understand, I know people who have been cremated, and I understand it's a matter of choice and a matter of cost sometimes, but it is not the place so close to the Berlin Turnpike, a high traffic area such as the Berlin Turnpike. It belongs in an industrial park or as the state regulations say, in a cemetery, and if not a cemetery, an industrial park. In the industrial park, at least there is room around it, and maybe, there is not a lot of traffic, a lot of people in the area. They don't need a high volume of traffic around it. They don't need to be recognized. So why put it in

an area where there is so much foot traffic, not so much foot traffic, but automobile traffic and a lot of people all around, going in and out of the restaurants, going in and out of the supermarkets. I really hope that you really think this through as Commissioners because I've been this battle before, it's almost déjà vu from about twenty, almost thirty years ago, in Hartford there was a similar occurrence on Farmington Avenue where they almost put a crematorium on Farmington Avenue in the west end of Hartford. At that time the neighborhood I think won. I don't remember exactly, I tried to find out for sure, but it may be worth looking into for you. Thank you and have a good evening.

Laura Catina, 92 Settlers Knoll: I just wanted to give a slightly perspective. My husband and I just recently purchased the house on Settler's Knoll at the end of August and I have been a previous resident of Griswold Hills apartments which is right up the road, for about three years. One of the reasons that we chose the house that we chose was due to the neighborhood, due to the surrounding area that I had become familiar with. Now it just seems very much of a disappointment to see that the zoning is being reconsidered to change that zoning and to change the whole perspective that we had had of the neighborhood that we would be starting a family in. Just to get a slightly different perspective, I know that if we would be looking at a house at this point in time, we certainly would think twice about this particular area due to that fact. Thank you.

Leonid Smolkin, 74 Crown Ridge: Attorney Sabatini mentioned 2,000 feet, right? From the next residence?

Chairman Pruet: I believe.....

Leonid Smolkin: I put my car, driving from my home to the traffic light, it is less than 500, traffic light on the Berlin Turnpike. To that building, definitely less than 500 feet, but 2,000 no. He never mentioned about Crown Ridge, Glen Oaks, he just mentioned Back Lane.

Chairman Pruet: Thank you.

George DeGeorge, 20 Woodsedge Drive: I too read about the possibility of the escape of mercury vapors from this sort of a facility, and I'm very concerned about the health implications of that. On this hill there are three large condominium complexes. At Woodsedge we have 135 units as it is. There is also a large housing development, Fox Run, there's also a large apartment complex here, and there are a lot of children within that population and also in terms of the shopping center, the people coming in and out, there are a lot of children there. I am very concerned about the health implications of this, especially for children in the area, and for that reason I'm opposed to this proposal, and I'm also concerned about the effect this could have on the resale value of the property. Thank you very much.

Chairman Pruet: Thank you. Anyone else?

Anthony Sullo, Joey Garlic's: Good evening, I'm one of three owners of Joey Garlic's and we are I think the closest business to this proposed site. Attorney Sabatini said one thing, he said it will not interfere with any other businesses. Those were his exact words. I'm here to tell you guys the opposite. It will interfere with our business. Whether there is no smell, or no vapor, it's just the perception of the place being there. Our customers are going to sit on a patio that you guys approved six months ago, we're spending a hundred thousand dollars to put it there, along with some other renovations, the perception of the place being there, whether the smell comes from the auto body place, which we do smell stuff when you guys are working on cars or when they are cutting granite, the customers are going to think it's the

crematory whether it's true or not, and your job, part of your job, as zoning I'm assuming is to protect other businesses and this is going to have a detrimental effect on our business. That's the one thing that I want to say. There's other things that need to be said, and our general manager Tom can probably come up here and speak, because some of the customers that have been coming in and what they have been saying. Thank you.

Tom Stout, Joey Garlic's: General Manager of Joey Garlic's. When the owners first asked me what my opinion was on the crematorium, I said I think it's something that we should probably stay out of. As a restaurant, you want to entertain both sides. My opinion totally changed. We make our bread and butter on the community around us. It is highly populated all right? The amount of people coming to the restaurant to beg us to come to these meetings and oppose this is enormous. These people state unequivocally, if there is a crematorium across the street they will not come to Joey Garlic's. At first, one or two people, now its fifty to a hundred and they are coming in every day to say we need your help. Come down and oppose this. Without these people, which is our neighborhood and we are a neighborhood place, we're dead in the water. Thank you.

Chairman Pruet: Thank you sir. Anybody else from the public?

Brian Asstine, 21Woodsway: I understand that most of you will look at me and say, he's a kid, what does he know, but thinking about it, the reason why you zone and you plan a town is to facilitate and when you think about it, if you are accommodating these, I don't know what the technical term is, with these Special Exceptions, what would receive a Special Exception. I'm not implying that crematoriums, I don't know what the plural is, are going to be lining up to fill the spot, but why would you change the zoning of one of the town's best retail areas to include something like this. It doesn't seem to make sense in the general theory behind why you zone and you plan. You want to facilitate, why would you change the zoning of a retail area to include something that is not retail, it's not going to benefit the area around it. Thank you.

Chairman Pruet: Thank you. Anybody else?

Maureen Klett, 104 Harold Drive: Two things, and I apologize because I came in late, I was upstairs at a Board of Education meeting, and I'm not sure if anybody addressed this, but one, there is really no reason to approve this because you put in place your 2020 Plan which you had the opportunity to change the zone to include this kind of business just within the last six months, a year. Number two, if, and if anyone hasn't mentioned it, there are concerns out there by the federal environmental protection which the State of Connecticut has also been involved in, health concerns really that crematoriums and the release of mercury into the air and there are actually communities out there in other states that have turned down requests for crematoriums for this very reason or placed requirements that were so costly on the business that they elected not to move forward, so I certainly hope one, that you don't change something that you have already put in place, there is no reason to even argue the merits of whether you want to accept this because you don't have to. Your regulations say you don't have to, and you are entitled to just deny it on that alone. Number two, if you were to consider it, you really need to get the information that is out there on what has occurred in other parts of the country.

Chairman Pruet: Thank you.

Michael J. Fox, 1901 Main Street: Aside from the obvious that there is nothing in the regulations that permits this, one word that was mentioned by the gentleman in the striped shirt that got my attention as a Vietnam veteran, was the word dioxin. I don't know if any

analysis has been made of the emissions of the other crematoriums that are in the area, but I would like to see an analysis like that because if dioxins are going to be emitted as a Vietnam vet and seeing and feeling what the dioxin in Agent Orange has done to my generation, we do have to worry about that. Thank you.

Chairman Pruett: Thank you. Anybody else? The applicant has five minutes to rebut the comments from the public.

Attorney Sabatini: Mr. Chairman, I would like to call upon Ed Romero, the representative of Matthews Corporation, the manufacturer of the equipment. He can talk about the issues that were raised on the environmental issues.

Ed Romero: I'm with Matthews Cremation located in Orlando, Florida. Matthews is the oldest and largest manufacturer of cremation equipment and technology in the world and of course, part of our mission statement is a passion for the environment and the communities that are served through the death care providers in and around the residences where they conduct their business. So, which, in the interest of time, which would you prefer that I address specific technical questions or go point by point by some of the concerns that I have heard so far?

Chairman Pruett: Well, it's rebuttal time, so.....

Ed Romero: Okay. I attend a lot of these meetings and it's important to be concerned about our environment and the community and unfortunately there is a lot of misinformation out there as well, so part of my job is to dispel some of the stigma that is attached to crematories and understandably so. So far there has been no evidence to support the idea that property value would be affected in any way by crematories. Most of us in this room drive by crematories in a community every single day and are unaware of their existence. There are a lot of them in this area. The reason that we are unaware of them is because, whether it's a neighbor right next door, or surrounding businesses or other community members there is no way to detect if the equipment is in operation or out operation. The biggest bullet points are, is there going to be smoke, is there going to be odor, is there going to be any toxic emissions, is there going to be anything that affects my property value, and unequivocally the answer to all of these questions is no. The reason why some of these emissions are not regulated, for example mercury dioxins is because in 1999 the U.S. Environmental Protection agencies spent hundreds of thousands of dollars as part of their clean air act, to measure, to test, and to evaluate crematory emissions to decide whether or not they were going to be regulated on a federal level. As a result of those extensive tests the federal government determined that the amount of emissions is so low that they are not going to regulate it at a federal level, it's going to be regulated at a state level, and that is why each and every crematory must be permitted through the state in which they are installed. In this case, the State of Connecticut would issue a permit requiring any crematory unit meets the mandated emissions levels and in this particular case, the cremation equipment not only meets but far exceeds, far exceeds the allowable emission limit set forth by the State of Connecticut. In addition to that, Mr. DeMaria has also elected to add optional additional equipment that is not required but has gone above and beyond adding additional features, technology to make the process even more technology advanced and environmentally friendly, for example, he has elected for a larger secondary chamber to cleanse the emissions, he has elected to include automatic pollution control devices, opacity sensors and monitor that continuously and automatically monitor the emissions in the event of non-clear emissions, takes corrective automatic action. He's also elected to have computer based system to maximize the operation and minimize the amount of fossil fuels that are used for each cremation. He also decided to elect to have

on line monitoring systems to be connected to a 24 hour service company. He's elected to use natural gas which is a cleaner, in lieu of diesel or LP gas, and he's also installed temperature control that will reduce both carbon dioxide and (inaudible) emissions. These are all things that are not required by the State of Connecticut but that he has elected to add in the interest of being a responsible citizen.

One of the questions that was brought up was, why is crematory equipment, why not install it in an industrial area? And the reason for that, this comes up a lot, people like cremation, but they don't want it in their back yard. I don't know why there is a stigma attached to it. It's a valuable and needed service for any community regardless of what our personal opinions are of the practice. With regard to industrial, cremation is a dignified way of preparing the deceased person for memorialization and as part of the services that funeral homes and death care providers provide to their families, it is not the disposal of waste. It's inappropriate to take families to an industrial site for a memorial site and cremation of their loved one. Families want the service preformed in a pleasant and comfortable environment and that is why over ninety percent of cremation equipment is installed and located in and around residential areas, densely and highly populated residential areas, inside the funeral homes or cemeteries that serve those communities. Why? Well, early on when the requirement was to install cremation equipment in cemeteries, at that time the cemeteries were out a ways from the town. With town expansions now the towns grow up and all of a sudden the cemetery is in the middle of multiple residences, so they no longer are on the outskirts of town, they're on Main Streets, they are in funeral homes, they are in veterinary hospitals, they are in cemetery grounds, we pass by them every single day. So it's not something that is hidden in a dark closet somewhere, there is no smoke or odor, there is no way to detect when the equipment in operation, or when it is not. With regard to, well, I think that kind of rebuts the points that I have heard so far, but I want to allow whatever is remaining of my time to answer specific and directed technical questions if I could.

Chairman Pruet: Thank you. The public has an opportunity to rebut what you have heard right now for a period of five minutes, you can come to the podium and state your name for the record. Anybody from the public?

Joe D'Esopo, 31 Woodsedge Drive: On the cremation chamber, I just want to ask you a question, would this include Fire Marshal monitoring system on that unit?

Ed Romero: I'm not sure I understand what you mean by a Fire Marshal monitoring system. Any facility that would be constructed for the installation of crematory equipment would have to meet the local building and fire code, but I'm not sure what the Fire Marshal...this particular company has a feature called Fire Marshal protection services, I'm not even sure what that is sir, but that is not industry standard.

Joe D'Esopo: It's sad to know that you don't know what it is. And what is a five hundred thousand dollar scrubbing system on the smokestack to eliminate the mercury that would be vaporized into the air?

Ed Romero: No where in the western hemisphere, no where in the western hemisphere or any additional filtration equipment or scrubbers or additional filters required on any cremation in the western hemisphere.

Joe D'Esopo: So no mercury is emitted into the air.

Attorney Sabatini: Could we have the questions directed to the Chair, not to the individual.

Chairman Pruet: Well, I'm going to allow five minutes for the public. It's interesting, it's informative.....

Ed Romero: The increasingly infrequent use of silver amalgam dental fillings since 1985 has decreased sixty percent. In the event that the human remains contains silver amalgam dental fillings trace amounts of mercury are released into the atmosphere in an amount that the U.S. government has determined is far below any limit that would cause any concern regardless as to whether it is over decades to the surrounding soil, to the surrounding community, to the crematory operators who work inside the facility. Hair samples have been taken, soil samples have been taken after hundreds of thousands of cremations and the bottom line is that because the levels are so low, they are not, the mercury emissions are not regulated in any state in the United States.

Joe D'Esopo: But mercury conditions are toxic.

Ed Romero: Mercury is a natural occurring element that we are exposed to every day, when we eat leafy green vegetables, when we eat sea food, when we break florescent light bulbs, when we dispose of batteries and mercury emissions from cremation equipment are at the bottom of that list.

Chairman Pruet: Okay, we have about two more minutes left, any body.....

Unidentified speaker: There was a question about how many people are going to go to this crematory, and I think you stated that just a car would pull in and a car would pull out and that's it, where he stated that people actually come to the crematories and they actually have a ceremony there, so, all that I read up on crematories was that, that was another way of disposing, rather than having a funeral, the family members could go to a crematory and have a ceremony or have some sort of a passing on, so as I believe a crematory would have passengers and people coming to these things and having just like a regular funeral.

Chairman Pruet: Yes, I asked that same question of Mr. Sabatini and the response was that only technicians would be there. Am I correct, or incorrect on that assumption?

Ed Romero: I believe the business owner could answer, but only to say the following, some religious faiths require that the family be present and participate in the cremation ceremony.

Attorney Sabatini: Have Mr. DeMaria answer the question.

Chairman Pruet: Sure.

Luke DeMaria: My name is Luke DeMaria, I'm the owner of Brooklawn Funeral Homes, I'm the one that had Mr. Sabatini put this application together. I have devoted my entire adult life to what I do, over thirty years. After seeing what I have seen tonight and your outpouring of concern, I am going to withdraw my application. I just want to give you a couple of reasons. I picked Newington because I thought it was a community similar to Rocky Hill. I didn't come in as a funeral home because of the Duksa family that does such a nice job here in town. I came solely to help your community with having cremations that people who live in this town like Mr. Schatz in the front row here, we just handled his wife's funeral, that they wouldn't have to go outside of their own community, but again, because of your very negativeness towards this, I'm pulling my application and I apologize to the board that we had to take up your time tonight.

Attorney Sabatini: And just for the record, we are going to withdraw the other two applications as well, the Special Exception and the site plan.

Chairman Pruet: Okay, Mr. Sabatini. Thank you.

- B. PETITION 35-11 – 151 Kitts Lane, Nutmeg State Crematorium, LLC applicant, represented by Attorney Vincent F. Sabatini One Market Square Newington, CT 06111 request for Special Exception for crematorium use at 151 Kitts Lane, Berlin Turnpike Business Zone, B-BT District.**

**Withdrawn**

- C. PETITION 38-11 – 3164 Berlin Turnpike Newington VF LLC c/o Vornado Realty Trust owner, Wal-Mart Real Estate Business Trust applicant represented by John W. Knuff, Esq. request for Amendment of Special Exception Petition 70-99 granted March 8, 2000, to redevelop Bassett Furniture for expansion of Wal-Mart Store. PD Zone District.**

Chairman Pruet: Okay sir, welcome. Just state your name and address for the record please.

John Knuff: Thank you Mr. Chairman. I'm an attorney with an address of 147 North Broad Street in Milford, Connecticut and I'm here tonight on behalf of Wal-Mart Real Estate Business Trust and the rest of my team is just waiting for the crowd to get back in. So, we'll give them a second to get set-up. Wal-Mart is a tenant at the property located at 3164 Berlin Turnpike, where it operates the store. Newington VF is the owner of the subject parcel and they signed the application form. The property is located in the planned development zone. Wal-Mart is proposing to expand the existing store by 27,221 square feet to make it a total of 158,369. In order to facilitate that expansion Wal-Mart will raze the existing 19,000 square foot Bassett Furniture store so the total increase in square footage on the property will be slightly over 8,000 square feet. In addition to the expansion we also propose a significant upgrade to the exterior store and we will show you those elevations in a few minutes. We have submitted two applications to permit the proposed expansion. The first is a Special Exception pursuant to Section 5.2.7 which states that amendments to the conditions of a Special Exception shall require a new petition and public hearing. We received our original approval in 2000 and that approval included two conditions regarding the exterior materials for the Wal-Mart store and the Bassett Furniture store. While not, it is not entirely clear if we are quote, amending a condition of the 2000 approval after discussions with Ed we agreed that the more conservative route was to apply for the Special Exception. The original Special Exception was granted pursuant to 3.19.3 which is retail stores in excess of 40,000 square feet. The second application which we have submitted is a site development plan application pursuant to 5.3.9.G and 3.18.2. The former is required for changes in use or site design, the use of course is unchanged as retail but the site itself will change as a result of the take over of the Bassett Furniture space and secondly 3.18.2 requires a site development plan before a building is altered, requires that approval as well. A few housekeeping matters, we have posted a sign on the property and I will submit this for the record. The sign was posted on December 28<sup>th</sup>, and as of six o'clock this evening was still in place. We received a staff report from Ed and it will speak for itself, but I don't think he has raised any concerns in that report, and I just note for the record that in addition to our site plan application and our Special Permit application, the site plans themselves, we have submitted detailed erosion sedimentation control plans as required by the regulations, a storm water report, a traffic report, building elevations and a project narrative that describes the project and sets forth



how the project for the special exception and the site plan will progress. With me tonight are Larry Risecki who is a professional engineer with Ducette and Associates who is going to describe the expansion and the site modifications, Sean Kelly from Vannessa Associates who will discuss traffic and Sunday Buar from Scott Architects who will talk about elevations. So, with that, Larry.

Commissioner Aieta: Mr. Chairman, just a point of information. Are they combining both 38-11 and 39-11 in their presentation now?

Attorney Knuff: If we could Mr. Chairman, I think it would be very convenient.

Chairman Pruett: They go together, it would be appropriate.

Commissioner Camerota: Shall we read the other one then?

Chairman Pruett: Do you want to read that Carol?

**D. PETITION 39-11 – 3164 Berlin Turnpike Newington VF LLC c/o Vornado Realty Trust owner, Wal-Mart Real Estate Business Trust applicant represented by John W. Knuff, Esq. request for Site Plan modification to demolish Bassett Furniture Store and add 27, 221 square feet for the expansion of the south side of Wal-Mart Store. PD Zone District.**

Larry Rasecki: Good evening Commission members, my name is Larry Rasecki, I'm a civil engineer who works for Ducette and Associates. Tonight I have in front of you our color site plan presentation. Just to give you a brief history about myself, in 2001 I was hired on with Ducette and Associates and actually I worked on, at a staff level the permit and construction documents associated with the existing store. In 2004 I was the engineer that permitted and put together the construction documents for the Panera Bread, so I'm relatively familiar with the site, the utilities, the town regulations, and so forth, so tonight I'm presenting the expansion portion of the future Wal-Mart. If I may walk you through the site grading and the utility plans and then discuss the erosion and sedimentation control plan. As Attorney Knuff introduced the project, the primary expansion is to the south of the existing store. Bassett Furniture is going to be demolished. The reason why the building is being demolished is for a few reasons, one, there is a significant change in grade from the finished floor of the Wal-Mart to the Bassett Furniture. It's approximately one foot. The roof line for the Wal-Mart store pitches to the rear, the trusses and so forth associated with the Bassett Furniture pitch toward the south, so from a value engineering putting the building together, it makes much more sense to demolish and start from scratch, tie in all their plumbing, all the HVAC, the roof lines, and their brand within. The architect may expand on that more, but from a civil point of view, that's the reasoning as to why it is being demolished and expanded. There is also an expansion to the rear of the store, the loading dock is going to be a little bit larger and well as a second vestibule in front. The addition of the second vestibule will balance the parking area within. There will be three points of entry or exit, one through the garden center, one through the new vestibule and one through the existing vestibule adjacent to Staples. Within the main parking area there are provisions to expand the landscape islands, add additional trees similar to the species that are out there today, as well as provide additional parking within. We are proposing to expand the parking to the rear of the store where associates as well as snow storage may be provided during seasonal months. The garden center is proposed to remain, the tire lube express on the north side of the building is to remain, the loading dock is to remain. Other site improvements include new pavement overlaying the existing pavement as well as full depth reconstruction along the front of the store. The site lighting is to remain and the existing screening, buffer around the perimeter of the site is to

remain. There's currently some relatively mature trees as well as earthen berms to limit the trespass of sound and lighting across Deming Street to the residents to the rear. If I may briefly talk about the grading, as you can see the front vestibules are proposed to be bumped out towards the main front drive aisle. There are additional accessible handicapped parking spaces provided within the front area at two percent grade or less. Along the front of the store there will be a new concrete flush sidewalk so there will be no six inch curbing. It's easy for patrons to maneuver their carts to the parking area and then, with regard to grading the existing catch basins and drainage subcatchments are to remain, so we are proposing to chase grade after the handicapped accessible parking spaces to not alter any of the drainage characteristics within the front of the building. The drainage to the rear of the building is to remain. We are proposing to tie in the new roof leaders associated with the expansion into the existing drainage trunk line system. As part of our analysis of that system we put together a storm water management report and evaluated the pipes and characteristics of flow and velocity according to town regulations. With regard to utilities, there is provisions for a new sanitary sewer on the south side of the building, there will be an external grease trap associated with the grocery use, there are provisions to utilize the existing fire protection service from Bassett Furniture to loop around the north side of the building to balance the hydraulic characteristics of the fire suppression system as well as provisions for a new electric transformer to the rear. The drainage along the front is to remain. We are proposing to tie in the roof leaders associated with the vestibule canopies within that drainage system with sheet flow across the parking lot today. That will eliminate any freezing or icy conditions in front of the store. That's pretty much all I have in regard to the site grading and utilities. As part of the permit plan we put together a detailed erosion and sedimentation control plan. It's a multi-phase plan that pretty much allows the existing building to be up and operational while construction is underway. The sequencing notes and phasing are in coordination with the fire department as well as building officials so we can focus on building the expansion area to the south, focus on building the new vestibule in front while patrons can use the existing vestibule near Staples. Then the other phases of the e and s plan include flip flopping the parking lot so the full depth pavement construction can occur while the patrons can then utilize the new vestibule in front, and then finally the overlay parking area to the west adjacent to the Panera Bread will be milled and overlaid with new pavement. The entire Wal-Mart portion of the site as well as to the rear of Staples will be re-stripped and the entire area will be landscaped, mulched and given a new face lift. Let me turn the floor over to Sunday and she can fill you in on the architectural aspects of the expansion.

Sunday Buar, Scott & Gilbour Architects, 1437 South Bolder, Tulsa, Oklahoma: Like Larry, I worked on this project when it was originally built and it's kind of exciting to get back here and I'm really excited about the updates that we are proposing for the building. Instead of just doing a normal expansion and continuing the existing architecture Wal-Mart wanted to incorporate some of the new signature architectural design incorporated in the building, like the brand wall, the colors, we're not out there doing the big blue and gray battleships any more so they take into consideration a lot of jurisdictions don't want to see big box buildings with flat walls so we have incorporated a lot of architectural articulation that breaks up the massing of the buildings, and we've also lowered the things, where you are going into a building that is more pedestrian friendly. You don't feel overwhelmed going into a big box. We're using the basic bones of the building adding canopies in the front vestibules, the (inaudible) walls, I think you will be quite pleased with it. I think it will be quite complementary to that area. Any questions regarding the architecture?

Attorney Knuff: Sean Kelly is going to discuss traffic briefly, but what I failed to mention in the beginning is that the purpose of the expansion is to add a full service grocery. Right now the store sells an number of groceries products but with the expansion will have a full meat department, full produce, fresh fruit and vegetables, full bakery, deli, so that is the purpose of

the expansion. It is something that Wal-Mart is doing pretty much throughout the state. In terms of expansion this is generally about the size of most of them to get the stores up to about 150,000 square feet or thereabouts, but in this case because of taking over the Bassett space, it's a much smaller increase in square footage on the site than most others. In this case it's only about an 8,000 square foot increase for retail square footage.

Sean Kelly: Good evening Mr. Chairman, Member of the Board, Members of the Audience, my name is Sean Kelly and I'm a traffic engineer with Vannesse Associates. I would like to take a few minutes to talk you through our traffic study, how it was conducted, what our findings were, what our recommendations are, and then will be happy to answer any questions that the board of the audience might have. Just to start I have some reduced size copies of the material that I have tonight, to follow along with. I think we are all familiar with the project site. We are located at the intersection of Deming Street with the Berlin Turnpike which is the State Route of 5 and 15 located at the corner of the signalized intersection.

Today the site access is provided via two driveways, one is on Deming Street which is a full access driveway and by that I mean you can make left hand and right hand turns in and out of the driveway. That drive is located directly opposite an entrance only driveway for Lowe's and the secondary access also provided on Route 5 & 15 Berlin Turnpike. It's a medium divided highway, left turns in and out are physically prohibited.

The study that we conducted was in accordance with all Connecticut State DOT guidelines and basically what we did was look at existing traffic operations, looked at future traffic, both with and without the Wal-Mart project and then based on that we were able to develop mitigation strategies to offset impacts where applicable. The intersections that we looked at in general, there were eight locations shown on this map here, signalized locations are noted by the red, yellow and green circle and unsignalized locations are noted with the blue circle. Starting on the north on the Berlin Turnpike we looked at Berlin Turnpike at Main Street with Griswoldville Avenue, we looked at Berlin Turnpike and Pascone Place, the right in right out driveway at Wal-Mart that I just discussed, the intersection with Deming Street, and then also the intersection with Lowe's and Target. These signals here are part of what we call a coordinated traffic signal system which means that they operate in conjunction with each other. They all operate on the same cycling, the green lights are coordinated in such a way that traffic along the corridor won't have to stop and go randomly. It's done in a coordinated manner for a more efficient flow. So those are the intersections that we looked at along the Berlin Turnpike. Along Deming Street we looked at the driveway, Deming, the site driveway and Lowe's access drive, we looked at Culver Street, and Candlewyck Drive which are two T intersections that provide access to residential neighborhoods and we also looked at the intersection of Deming with Griswoldville and Waverly which has recently been signalized in conjunction with the CVS building on the corner there.

Commissioner Camerota: Walgreens.

Sean Kelly, Walgreens, I'm sorry, my bad. We did the study in accordance with the guidelines and we don't collect existing traffic volumes and we adjusted those volumes to account for seasonal variation based on DOT data and also to account for growth and traffic anticipated before the store opens. There are two components to the growth and traffic. One is just general growth that you anticipate, and we bumped up the volumes by one percent per year and then speaking with your Planning Department we also recognized that there are some residential developments proposed off of Deming Street, sixty units of condominium housing as well as an age restricted development and we took that into account as well. Factoring all of these things in, what we come up with what we call our background position which is basically a snapshot of how traffic in this area would work in the future independent of the Wal-Mart store.

The next step is we estimated the traffic that Wal-Mart itself would generate. The way that we do that is that we utilize data that is published by the Institute of Transportation Engineers,

or the ITE. The ITE essentially, they collect data on a lot of existing facilities throughout the United States of different types. Office use, retail use, residential use, in the case of a Wal-Mart store they have data for what they call free standing super discount stores. What it does is tell you that for a store of a certain size based on the square footage you can figure out how much traffic it will generate. What it tells us is that during the critical hours and when I say the critical hours it's the weekday evening and Saturday mid-day, the Wal-Mart would generate 125 trips in the evening, and 154 on Saturday. Now we adjusted these trips in two ways, first as Larry mentioned the furniture store that exists will be taken out. So we netted out the trips that the furniture store generates and quite frankly, it's not a whole lot of traffic. Nine trips in the evening and eighteen trips on a Saturday midday. We also reduced the trips to account for pass-by trips which are trips where, they are new trips to the store but they are not new trips to the corridor. For instance, you are driving home from work and you have to stop and get a gallon of milk, you pull into Wal-Mart and pick it up and drive back out so it's a new trip for the driveway but not a new trip to the area and again, the ITE says that's about thirty percent, range as high as forty percent, we went with twenty percent to be conservative. Taking these factors into consideration we came up with the actual new trips and what it comes out to is that in the evening you are looking at about 90 new trips, so forty-five in, forty-seven out, a little less than a trip a minute. On Saturday mid-day you are looking at 108 trips, 53 in, 55 out, so it's a little less than a trip a minute basically on average. Not all of these trips come and go from the same area. One of the benefits of doing substantial projects is that it eliminates some of the guess work in terms of where the traffic comes and goes from. What the data shows us is that the bulk of the traffic about eighty-five percent of it comes from the Berlin Turnpike, either from the north, to the south, or via Richard Street and then you have about fifteen percent that comes and makes a right hand turn off of Deming and conversely a left hand turn going back out. Some of that is probably from the neighborhood, and some people who come down and make the left at the signal and come in the back way, but certainly the bulk of the traffic is along the highway and the neighborhood impacts are on the order of a car every five minutes or so, actually it's seven minutes or so. We looked at what the impact is in terms of increasing the volume, increasing the delay. It's not a lot. Compared to what you have out there today, the increases in volume range anywhere from about one to two percent, almost as small as the growth rate we assumed, and in terms of delay again it's in the order of one, two seconds per vehicle typically. So if you are at one of these lights in the future, and the Wal-Mart is there, you may wait another second at the busiest time of the day. But again, the impacts aren't severe. We looked at operations within the neighborhood, again very low impact. You are talking about a car every seven or so minutes driving through. These intersections of Culver and Candlewyck, no major impacts. The one location where we did see some, based on the analysis impacts was the driveway onto Deming during a Saturday mid-day. What the analysis tells us is that today under the existing conditions movements out of this driveway would be level of service F, which means you would have to wait a minute and will continue to be under the future conditions. When we were out there doing the initial study we didn't see that level of delay. Quite frankly, we saw much less delay. I don't think I saw a single car that was waiting a minute to pull out of here. So what we did just to verify the findings of the study is we went out and did observations during the Christmas season period. We went out on a Saturday two weeks before Christmas and had someone sit in this lot and actually time how long it took for a car to pull out of this driveway, to see if the results were valid because quite frankly the volumes during the Christmas season are higher than you would get with the regular season with the expansion in place and what it shows is that (inaudible) of the analysis and there are a couple of reasons, the analysis is very conservative, in terms of the assumptions that make about driver behavior, the analysis does not necessarily take into considerations such things as gaps in traffic as created by the signal, when cars are stopped from coming across Deming, assuming the opposite direction is a three way stop, where all vehicles are stopped at some point, but what it found was the during the Christmas

season cars were waiting about ten to twenty-five seconds on average to pull out. So while the analysis report indicates higher delays, our field observations indicate less. The final step is, we took a look at recommendations in terms to improve traffic operations and I'll break it down into three areas. The first is the main line on the Berlin Turnpike and we are not recommending any changes out there. As I said, the delays at the signal are not going to be more than a second or two, typically in most instances, the increase in traffic are one percent to two percent, we're not recommending any changes to terms of timing of phasing for this project and we certainly are not recommending any changes in terms of new geometrics or new lanes, so as far as the highway goes, we're recommending that it stay as is. Then we looked at the neighborhood to see if there were recommended changes here in terms of traffic calming, and quite frankly the thing that we would recommend are already there today. You have traffic coming to three way stops which serve to discourage people from cutting through, to the extent that people do cut through, the speeds are reduced because they have to stop twice before coming around the corner. Pedestrian infrastructure is there, you have sidewalks linking the neighborhoods, so again, when this was planned, it was well planned and the infrastructure that we would recommend is already out there. The one recommendation that we do have is regards to the driveway. I know we discussed this one and we are not looking to modify that, from a safety perspective, the driveway out to 5 & 15 today, there are some sight line issues and it's a quick fix, it's nothing major, but today you have existing vegetation blocking the view of pulling out of that driveway, you have to pull up past the island. It just needs to be maintained, it hasn't for some time. It's been this way I think since we went out there in the spring. So our one recommendation for safety improvements to institute a maintenance plan where this vegetation is maintained, no greater than two feet in height so that cars that are pulling out have a clear shot of traffic coming up the Berlin Turnpike northbound. That in a nutshell summarizes what we have. Again, the increase, we are talking about less than a car a minute, (inaudible) about one second, as far as mitigation, focused primarily on safety. Thank you.

Attorney Knuff: I think you can see Mr. Chairman, this is about as straight forward of an application that you can get particularly for a busy commercial corridor, only adding eight thousand square feet, total retail space to the center and we will be happy to answer any questions and certainly answer any questions that the public might have, but that concludes the formal part of our presentation.

Chairman Pruett: Okay, thank you. Staff comments Ed?

Ed Meehan: Thank you. I had the opportunity to meet with the applicant, Attorney Knuff and members of his team a couple of times before they put this application in. It is a straight forward application, the net increase in square footage is 8200 square feet when everything is built out. The disturbance to the site is really going to be minimal because everything on the south side of that building is paved now, so there is really no changes to the, I'll call it the green space, in that area. The traffic has been well explained, I don't think we are going to see or even notice any changes in the traffic. I think the most important thing that happens with this site is the retrofit to the front, particularly the entrance way. Since it opened in 2000, and then when Bassett came along what I have noticed many times down there is the habit of the customers to try to crowd towards the front door on the south side of the parking field, so the retrofit of the front façade to open up two customer entrances, I think we will see better utilization of the parking field and a more balanced location where people come in and out of the store and I think that is a benefit to the site. There is also a slight improvement in the overall parking ratio which will help, but I think we need to remember that when this came through in 2000 the footprint for Bassett was approved at the time, we didn't know it was going to be a Bassett store, and it was a major redevelopment project for this whole plaza, so when the Commission looked at this, not only did we look at the changes from, I think it was

the Wiz, or Rickles, one of the two, they tore down and started over again. So, we looked at that, we looked at the pad sites for Appleby's and Panera and the whole parking field was rearranged. The most significant thing I think occurred to this site, and it was mentioned by the engineer at the beginning of his presentation, is that the impact on the neighborhood to the east is completely toned down by the establishment of the berm, the fence, including the driveway. Bradlees or Two Guys used to have a driveway straight out to Candlewyck and that has been eliminated and the trees are very mature now and that's not going to change with this application. So the bottom line from my staff perspective is that this build out makes a lot of sense, I think we will see better parking accessibility, more balanced parking lot. As mentioned this is an amendment of a Special Exception. The original Special Exception specifically cited the original store's square footage, 131,000 square feet and also specifically cited a certain set of architectural elevations which if I recall, it's the gable, the green gables and the small dormers on the building, so the look now that is being proposed is a more modern look and you see in my staff report the effus and the block is different, different colors but that's a value judgment I guess, the colors, but the presentation of the façade is different so that is the signature that the applicant wants to present, a matter of taste. I think the message that I want to leave with you I think this is actually a better layout than what we have there now with the parking field.

Chairman Pruet: Thank you. Commissioner comments on the petition?

Commissioner Sobieski: One quick question. How much of the parking lot are they going to replace and how much are they going to pave over?

Larry Rasecki: There's two things going on here. There's a limit of work and a limit of disturbance. This line right here, is the limit of disturbance where there will be full depth removal and all of this will be removed and replaced, the remaining portions within the limit of work line will be milled and overlaid.

Commissioner Sobieski: What would the overlay be? The thickness, one and a half inches?

Larry Rasecki: Yes, our geotech recommended an inch and a half in accordance with Connecticut DOT specifications.

Commissioner Sobieski: Another question I have, has this been sent up before the STC yet, the State Traffic Commission?

Attorney Knuff: Currently there isn't an STC certificate but there will be, and just consistent with STC policy, they won't officially review an application until we get through all of our local approvals.

Commissioner Sobieski: Right, but what I was asking is do you have any inkling of the request that you make any changes to the driveway on 5 & 15?

Attorney Knuff: Frankly what we suspect is that the STC will utilize its new power to approve this administratively and not issue a full amendment to the certificate so we don't anticipate that STC will require any other changes.

Chairman Pruet: Any additional comments from the Commissioners?

Commissioner Aieta: Can you just, while you are up there with the map, the southern portion where they are putting the addition on, when I'm looking at this, it looks like the Staples

building actually touches the addition. Is that a fact or is there actually still a space between the two buildings?

Larry Rasecki: Currently the Bassett Furniture and the Staples abut each other, yes. On the site plan, C-4, in front of you, you will see a dashed line that shows the existing Bassett building footprint, and the dark heavy solid line, the darker hatching representing the proposed expansion of the Wal-Mart. Yes, they will be right up against each other.

Commissioner Aieta: Then the parking area in the back, you can't get through to the front of the store unless you walk around the Staples store, is that correct? I thought there was a walk way between the two stores as it exists today.

Larry Rasecki: There is no walkway, and I have spoken to the Wal-Mart District Manager and what Wal-Mart will do is instruct their associates to park in that rear area.

Commissioner Aieta: That's what I was getting at, that the employees should be using that back parking and leave the front for the customers.

Larry Rasecki: On the site plan presented tonight, we do have a designation for associate parking, to the rear as well as to the northern portion, as well as snow storage areas designated to the rear and northern portion of the site.

Commissioner Aieta: Okay, thank you.

Ed Meehan: One of the reasons that we were happy to see Bassett come in there, or anything come in there, that was like a wind tunnel between the parking lot, Two Guys, Rickels, whatever it was, out to Deming Street and so many attempts were made to put fencing along the parking lot, it didn't really work until that area was plugged up with a building.

Commissioner Aieta: I remember it as being open, I didn't know that it was closed up.

Chairman Pruet: Okay, this is a public hearing, any member wishing to come forward and speak in favor of this petition? Anybody wishing to speak against this petition? Is it the recommendation of this to close this and move it forward. Okay, we are going to close the public hearing and move it to Old Business.

**III. PUBLIC PARTICIPATION** (relative to items not listed on the Agenda each speaker limited to two minutes.)

None.

**IV. MINUTES**

December 14, 2011 – Regular Meeting  
December 14, 2011 – Special Meeting

Commissioner Sobieski moved to accept the minutes of the December 14, 2011 Regular Meeting and the December 14, 2011 Special Meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

**V. COMMUNICATIONS AND REPORTS**

**A. 8-24 Referral Marcap LLC 28 acres Open Space Acquisition**

Ed Meehan: There is a communication from the Town Council requesting TPZ review and report of the open space acquisition of the Marcap piece, 28 acres. I'm kind of happy to bring this to the Commission, very happy, and I've prepared a brief explanation of where this proposed acquisition will be compatible with the long range 2020 plan for your consideration as part of the motion. The draft motion is on the second page.

Chairman Pruett: Take a moment to review Ed's staff report. What is the pleasure of the Commission?

Commissioner Anest moved that the 8-24 Referral be moved to Old Business. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YES.

**VI. NEW BUSINESS**

**A. PETITION 36-11 - 151 Kitts Lane, Nutmeg State Crematorium, LLC applicant, represented by Attorney Vincent F. Sabatini One Market Square Newington, CT 06111 request for site plan modification for crematorium use, Berlin Turnpike Business Zone, B-BT District.**

**Withdrawn**

**B. PETITION 39-11 – 3164 Berlin Turnpike Newington VF LLC c/o Vornado Realty Trust owner, Wal-Mart Real Estate Business Trust applicant represented by John W. Knuff, Esq. request for Site Plan modification to demolish Bassett Furniture Store and add 27, 221 square feet for the expansion of the south side of Wal-Mart Store. PD Zone District.**

**Discussed with Petition 38-11**

**C. Petition 40-11 – 181 Patricia Genova Drive proposed parking lot expansion, Hartford Hospital owner and applicant attention: Raymond Gradwell, BL Companies 355 Research Parkway, Meriden, CT 06450, request for Site Plan Modification, PL Zone District. Inland Wetland Agency Referral Report required.**

Ray Gradwell: It's been a little while since I have been back, but my name is Ray Gradwell, I'm project manager and manager of civil engineering with BL Companies at 355 Research Parkway in Meriden, Connecticut. I'm here on behalf of Hartford Hospital tonight, a site plan modification for their project at 181 Patricia Genova Drive at the Hartford Hospital campus. I will briefly explain why they are requesting this expansion of the parking field. They are bringing down about one hundred employees from Hartford, administrative. They are renovating floor number six at this building. The renovation is basically complete and would like to add about a hundred parking spaces to accommodate the hundred or so employees that are coming down from Hartford Hospital.

I'll run through the site plan with you. The site plan and the site is located in the PL zone. It's roughly forty-five acres and right now it's occupied by Hartford Hospital and their staff on that site. During the preparation of the application I had the opportunity to meet with your Planner, Mr. Meehan, and your Town Engineer Mr. Greenlaw to kind of run



through the project, come up with the project plans in conceptual form and kind of refine those plans and documents.

The parking lot that we are talking about is located in the front of the Curtis building. It's in significant disrepair. I don't know if you have had the opportunity to visit the parking lot, it's pretty tired. The pavement is pretty beat up, this area of the pavement is, due to delivery to the back here, is rutted, potholed and is a maintenance problem for Hartford Hospital for a number of years. The sidewalks leading to the building and entering the parking field are in significant disrepair also. They're cracked, heaving and in bad shape, and pavements up to the building are in poor shape. Lighting, I don't know if you have seen the lighting out there, it's not really appropriate for that type of health care, it's not really safe lighting, so we are looking to completely demolish the existing parking lot. There will be sidewalks, lighting, pavements, and reconstruction to add about a hundred parking spaces.

This is the site demolition plan, once again I'll run through what we are proposing here. We're proposing to expand in this area and in this area, this is the north side of the existing parking field and south side of the existing parking field. Remove the sidewalk systems, remove the curb systems and remove some trees within the parking field. We are also proposing to protect some significant trees that are in the parking field. There's a nice stand of forty-eight inch maple, a twenty-four inch oak and a forty-two inch oak, we're protecting those trees.

Those are valuable resources. Hartford Hospital is concerned with those trees, they would like us to protect them so we are working and massaging the parking field around those trees. We are also protecting some trees along the south side of the parking field and those are noted with the circles. The X trees are the ones that we will be removing.

This is kind of an overall shot of the Hartford Hospital campus, approximately 45 acres in a dog leg or a turkey bone, or whatever you would call it shaped site. The expansion is located here and the expansion is located here. The existing parking is right here, open field, Hartford Hospital operates this building and all of the buildings on the site.

This is the proposal for the parking expansion and the sidewalk improvements, planting improvements. Adding a parking area here, adding a parking area here and then reconstructing that central parking field. Adding handicapped parking spaces at the front entrance, this is the front entrance to the Hartford Hospital Curtis Building. Overhead, there is an overhead, if you visited the site, there is a drive through drop off area located here, it's kind of a football shape, and we will be protecting and maintaining that. All of the plantings within the parking field will be upgraded, new trees will be planted in the islands shown here in the green and the yellow. Interior plantings are meeting or exceeding the minimum requirements for interior planting. We're meeting or exceeding the requirements for minimum green space on the project space also, so expanding the parking field here, expanding the parking field here, and protecting those trees that are located here, here, and here along the project perimeters. We are not expanding the project to the west, we're in wetlands. We have two applications before Wetlands to amend a map that had this wetland to town mapping and we also have a regulated area. This kind of half moon shaped area within the hundred foot regulated area, so we are before the Wetlands Commission for that regulated area so that's why we chose not to expand because of the physical barrier per se with respect to the Town of Newington wetlands. So we expanded to the north and expanded to the south.

With respect to storm drainage on the site, there is a storm drainage system on the site that has no real storm water b and p's per se. That's (inaudible) practices, that drains to that wetland. There is a series of catch basins within the site and pipes leaving the site and then discharge to this area. There is a small kind of pseudo catch basin here with a four inch pipe that leaves and discharges down the bank, and there is another cross culvert located here that will be reconstructed. The drainage system would be improved significantly. We are providing a detention system, a detention and storm water best management practices upstream in those detention systems to treat storm water before it discharges to this grassy area here, or this wetlands to the west of the project site. Once again, storm water is a key

thing for us engineers today, to improve the quality of leaving the site and that would benefit the State of Connecticut. We're showing on the plan before this some snow storage areas. Mr. Meehan had asked us to show those, make sure that we show those on cross plans. There would be a snow storage area located here, and another snow storage located here. So again, the storm drainage is significantly improved with the best management practices we're proposing. Deep sump catch basins, catch basin hoods, storm water treatment device upstream of each detention basin and then the peak discharges that leave the site will be attenuated to the predevelopment conditions with those detention systems that are located here and located there.

Erosion and sediment control measures once again, it's a parking lot so we have the benefit of existing pavements to work on. Once again, we will be removing those existing pavements and reconstructing those pavement bases. We have construction entrance located here on the south side of the site, one on the north side of the site, a soil stockpile area in the north, and a soil stockpile area in the south to allow the contractor to stockpile in the south and stockpile in the north to kind of phase his work from either the south or the north to get the project constructed. The herringbone area you can see through the parking lot, if the soil is on the site, or a poor type soil, we had a geotechnical engineer investigate the soils and give us recommendations for paving sections, but they also recommended a pavement underdrain system and that is the herringbone system that is shown underneath the pier underpavements just to provide some longevity to pavement that we are proposing. If you drive out there today, the pavements are in pretty bad shape and primarily because of the poor soils on the site and the water that is in the soils. The site will be protected, the perimeters will be protected by silt fencing, you can see that here where the SF symbol long this edge, and SF symbols are on the material stockpile area.

The plantings, all of the plantings out on the, within the parking lot are in pretty poor shape, we're looking to remove all plantings within the parking field, add new trees within the parking field, add new shrubs within the parking field, and then basically dress up the front entry and walkway system to Hartford Hospital and the Curtis Building. There will be plantings and shrubs along this front entry vestibule and plantings and shrubs along the building. There are a lot of over grown yew bushes along the building, Hartford Hospital is tired of maintaining those bushes, yews, you have to, I have them in my yard, you are out there two or three a year cutting those back and they would prefer not to have to maintain those as much as they have to so we would be removing those and add new plantings and low maintenance shrubs along the building.

My last plan that I will talk about before I open it to questions is the lighting. The lighting out there is the old, I don't know how you call it, white balls of some sort.

Ed Meehan: Globes.

Ray Gradwell: Ugly balls. It really doesn't allow a really safe environment for people using the site, so we are looking to add LED fixtures throughout the project parking lot. Once again, LED is kind of state of the art, highly controllable, allows Hartford Hospital a lot of flexibility to give a little more light when they need a little more light, and dim down the light when they don't need a light so LED allows you to do that and once again, Hartford Hospital is very committed to state of the art technology whether it be for a surgery center or parking lot. So there is what that fixture would look like. It's not the traditional town center fixture, it's a parking lot fixture but you can see the little LED illumination fixtures located there. That said, let me conclude Hartford Hospital is committed to Newington, they like the campus, they are looking to expand the parking by about a hundred spaces, to accommodate the hundred or so employees that will be working in this community. Any questions?

Chairman Pruet: Just a clarification, the whole parking lot is being ripped up and, am I correct on that?

Ray Gradwell: You're correct on that. The whole parking lot will be reconstructed.

Chairman Pruet: Very good. Ed, staff concerns?

Ed Meehan: I think the applicant has addressed our staff concerns, we did have two or three meetings with Mr. Gradwell, myself and Chris Greenlaw. Originally one thought was to move the parking lot westerly, now if you look at it from Constance Leigh, it sits up like on a plateau, and as he mentioned they did discover some small wetlands but also, it made the parking field somewhat of a distance from the front door, so people would have to walk farther. He came up with I think a very good plan to push it to the north and south and that's what he is presenting here tonight. Certainly changing the lighting out there will make that whole area look much better. The light is very strange. The only thing that I want to clarify, I think that we asked for concrete curbing, are you using concrete curbing?

Ray Gradwell: We are using granite curbing.

Ed Meehan: Granite curbing is even better, good.

Ray Gradwell: Hartford Hospital is committed to high end fixtures, high end type site improvements and they want longevity in the pavement systems.

Ed Meehan: That and the drainage, good improvements. Are there going to be more technic type units?

Ray Gradwell: There will be more technic types units, (inaudible) concentrator, hydrodynamic separator, I need to run that by Mr. Greenlaw as we get a proceed a little further.

Ed Meehan: Good, that will get all the sand out. That's all I had.

Ray Gradwell: Let me just correct myself, on the granite curbing Ed, there is granite curbing along the front, and out in the parking field there will be concrete. Along the front entry there will be granite curbing and out in the parking field, concrete.

Chairman Pruet: Commissioner comments?

Commissioner Sobieski: Ray, can I ask you a question? Where does the wetlands drain into? You drain water into the existing wetlands now, does that overflow any where else or just sits there.

Ray Gradwell: Mr. Sobieski, the wetland pipe system within the park field, a series of catch basins, two, four, it's drained to this low point, this wetland, our soil scientist Mr. Shamus identified it as well and that basically is a low point and it does overflow into that field to the west. So as that area, if you visit the site, there are some trees that fell down during the last storm, I think Irene took a couple down and then the snow took a couple down, but that area is a low point. It does fill up a few inches and then will spill to the west, to that open field to the west.

Commissioner Sobieski: But there is no danger of it flowing onto John Stewart Drive down there, is there?

Ray Gradwell: John Stewart? No, that would be so far away, no.

Commissioner Sobieski: I just wanted to know in case you get three or four days of heavy rain.

Ed Meehan: That's like a twelve acre field.

Ray Gradwell: Yeah, the wetland is located, you can see this is a circle, the regulated area along the wetland, that little wetlands here, it's about 2,000 square feet. It's a long way away to the nearest road.

Chairman Pruet: Anybody else?

Commissioner Aieta: Can you give us an idea of how you drop off patients, or whatever, people visiting the site, under the overhang. You have a sixteen foot dimension for a drop off. Is that adequate enough to have two way traffic there?

Ray Gradwell: That would be one way.

Commissioner Aieta: How do you regulate that?

Ray Gradwell: There is signage on the site plan which is SP-1, we have one way designated signage. It's a one way aisle, it will be flowing north so you can drop off on the right, the passenger and then there are signs here, one way, pointing you that way, so if you are coming down this parking aisle, you will see a one way sign facing you this way, and it's pointing you to the left. There's also another sign here, a F sign, which is a one way to the left, and you drive down this parking aisle, you will see the one way sign forcing you to the left and at this area, located here, there is an E sign, which is a do not enter sign. So, if you were driving down this aisle in the south direction, you will see the do not enter sign, and take a right back into the parking bay, so it's a one way, we want that one way flow under the entry vestibule for that patient drop. They don't have a lot of patients there but they do have.....

Commissioner Aieta: There are other businesses in that building. There's a clinical lab, blood testing, and their parking is designated parking to the north of that and people coming down here, this area, coming down from the north, can't make that turn through there, it's only one way. There's no way to expand that, to make that a two way entrance?

Ray Gradwell: There's no way to really do that because the curb line and entry vestibule is so close to the curb line, and then there are concrete columns that hold up the whole vestibule area located right on the edge. We have a curve and then a concrete column that holds up the vestibule. It was designed as one way, unfortunately they put a column right in my way to make it two way.

Chairman Pruet: Anybody else? It looks like a vast improvement from what it is, and another additional hundred employees for the Town of Newington and the town center.....

Ray Gradwell: Close to the town center and within walking distance of the shops.

Chairman Pruet: Okay, what is the pleasure of the Commission, move this forward to Old Business?

Ed Meehan: You need to wait for Wetlands.

Chairman Pruet: Yeah, but we're not going to need further, if the Wetlands is acceptable, then we will move it up to Old Business.

**VII. OLD BUSINESS**

**8-24 Referral Report**

**Marcap Co., LLC – 28 Acres**

**Acquisition for Open Space Preservation**

Commissioner Lenares moved that the Commission favorable report to the Town Council its support for the acquisition of the 28 acre Marcap Co., LLC property for open space preservation.

The Commission finds that the 2010-2020 Plan of Conservation and Development recommends this acquisition:

**Vision Statement**

Newington will protect its environmental resources, particularly its wetland and Cedar Mountain.

**Conservation Strategies**

Protect important natural resources such as...steep slopes, ridgelines.  
Natural Resources Plan Map  
Cedar Mountain Steep Slopes

**Open Space and Greenways**

Emphasis should be placed on the preservation of Cedar Mountain as open space with priority directed toward protecting inland wetlands and slopes over 15 percent.

Apply for State and Federal open space grants to acquire the western steep slopes of privately-owned vacant properties along Cedar Mountain.

**Community Assets**

Cedar Mountain should be preserved from development.

In summary, the Commission finds that this proposed acquisition is consistent with and compliments the visions, goals and strategies of the 2010-2020 Plan of Conservation and Development.

The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

**VIII. PETITIONS FOR SCHEDULING (TPZ January 25, 2012 and February 8, 2012)**

None.

**IX. REMARKS BY COMMISSIONERS**

Chairman Pruet: We discussed the blight ordinance last time and I asked everybody if they could review it again. If I could just paraphrase from our discussion from last time, and feel free to add or delete as I go through it.

Recommendation that the Zoning Enforcement Officer not be used for inspections due to his work load in enforcing zoning laws.

Be sure that all town owned properties are in compliance and serve as an example.

Garbage cans are removed from the street after pickup within X amount of hours or time frame and stores adjacent to the dwelling.

Add shutters to Section 4-8.2 on page 2

Page 5 D, storage requirements, add after that sentence, to the rear out of sight from the public street.

Any other comments or concerns that I might have overlooked, or that you might want to add after your review.

Commissioner Aieta: We talked about the height of the grass, I think it was a foot, before they have to cut it. I think in the blight ordinance its, I don't know, how much is it?

Ed Meehan: 12 inches, proposed.

Commissioner Aieta: We talked, I think that is still too high. We should try to get them to get it to a point that is regularly maintained. Normally grass is only two to three inches tall, if it gets much more than that, then it becomes unsightly. We're allowing them to go up to a foot, then it would be a months worth of growth.

Ed Meehan: It's on page four. Removal of weeds and similar vegetation, Section 6A.

Chairman Pruet: Any recommendations specifically to add or delete on page 4.

Commissioner Sobieski: I thought last meeting we said six inches, am I right?

Commissioner Aieta: Well it was a lot less than twelve inches.

Chairman Pruet: Reading the notes, we discussed that and were going to check on other towns, see what they did too, so we can come up with a recommendation tonight I think. Ed, any feedback from other towns on what they did on this?

Ed Meehan: I did not check on other standards, I think it's going to be a community standard, what Newington wants to do.

Chairman Pruet: What would you suggest?

Ed Meehan: Well, what Frank said, if you get to a foot of grass, you are not doing it with a typical lawn mower. I would say five or six inches, it depends on the quality of the grass obviously.

Chairman Pruet: And also, some kind of remarks in there about maintaining the lawn rather than just five or six inches, I mean, somebody could not maintain it, not water it, no weed control, etc.,

Commissioner Anest: If they cut it too, the twelve inches is laying on top of the other grass, you know, they use a sickle.....

Commissioner Aieta: There has to be some language to get them to cut it and maintain it on a regular basis. You can't let it go to the point where it is six inches and then they cut it when it is at six inches and then they leave, like Carol said, leave the clippings on top, and that is more unsightly than the six inches of grass.

Chairman Pruet: Okay, so we will change from twelve to six inches, any suggestions how to add that to it, about proper maintaining?

Commissioner Aieta: Where exactly does it say about the twelve inches?

Chairman Pruet: Page 4, 6A, fourth sentence. Something to the effect of maintaining your lawn in a.....

Commissioner Aieta: That's hard to regulate. I mean I think if we tell them six inches, that's the best we are going to get.

Chairman Pruet: Yeah, probably.

Commissioner Aieta: Because it is pretty much up, you know, it's pretty hard to regulate.

Chairman Pruet: Yeah, probably too interpretative to enforce.

Commissioner Aieta: Yeah, someone could say, well it's only five inches, how are you measuring it? So if someone wants to skirt the ordinance, they will do it. I think if it's six inches and someone goes out there and sees that its eight or nine inches, then they have a legitimate concern to say to the homeowner start cutting the grass.

Chairman Pruet: Any other comments on the blight ordinance?

Commissioner Sobieski: I was at the Town Council meeting last night and several residents spoke up about making sure that the blight ordinance would be applied equally to both residential and commercial properties, along with town and state properties if they should fall into disarray. There was some concern that residential properties would be held to one standard and commercial and state properties held to another standard, along with the town. So there is some concern about that. Again, they were concerned about who is going to enforce it. There was some issue again, one issue was like ripped screens come up, you know, what do you consider, the screen if it's 3 x 3 and it's half ripped, is that considered a blight issue, if it has two small holes in it, you know just minor things like that, but I think some people were concerned.

Chairman Pruet: I think that was covered in that laundry list there?

Ed Meehan: Yeah.

Chairman Pruet: On page 2, missing, broken or boarded windows, or doors, I saw something in there.

Commissioner Anest: It's G.

Chairman Pruet: Oh yeah, insect screens that contain tears or ragged edges, yeah, and that would probably give the officer checking it out the latitude to bring it to their attention, rather than two holes, three holes, if it's ragged, violation of section G.

Ed Meehan: I think we should recommend that Section I be corrected because that says one foot, change that to six.

Commissioner Aieta: Under 2A, it refers to non-residential structures Stan, so I know that there are properties in the industrial park off of Pane Road that this ordinance would apply to, there is a vacant building down there that hasn't been maintained in years. It should be under the purview of the Development Commission, they should be looking at that. This would apply to a building like that I would assume.

Chairman Pruet: When it says, to any building or structure, that encompasses everything, commercial, residential, private, town, state. Anything else on this? What I will do, I'll work with Ed putting our comments into a letter. I'll either convey it personally at a Town Council meeting and/or appropriate letter to the Mayor and the Town Manager on what we have discussed on this.

Commissioner Lenares: Mr. Chairman, I thought of this while you were talking. I hate to say this but I think the ordinance, and the changes that we made were good, the ordinance itself it pretty good, it's got some good body to it and I think we sharpened it up a little bit, some of the Commissioners opinion's and what not and like Stanley just said, I think the bulk of it has to go the enforcing. I mean, you're getting a little nitpicky, the guy has a hole in his screen, or the guy's grass is seven inches instead of six inches, but if the guy's grass is a foot and a half, how do you get it taken care of if the guy has to have some merit to go there to enforce some sort of fine, penalty, I don't know. I don't have all the answers, but I mean, that's the bulk of it, this gentleman, woman, whoever it may be, police officer, town employee, I mean, they have to have the power to do this, because that is what this is for. Overall, I think it is a pretty good document, it just has to be enforced, without being so nitpicky.

Chairman Pruet: It has the enforcement in there, now we just have to be sure that it's monitored.

Commissioner Lenares: It's got to be enforced. Have some sort of power to act.

Commissioner Aieta: They talked about this falling under the purview of the health authority which is a combination of the Town of Newington, Wethersfield and Rocky Hill, a tri-town, I mean, to enforce this, they are going to have to hire people to do that I would assume. I wouldn't think that the people who are there are going to have the work load to start enforcing this also. How does this fall into the other two towns that are part of the district. There would have to be some more thought on how the enforcement end of it gets taken care of.

Chairman Pruet: That was the first recommendation, that the Zoning Enforcement Officer not be used, but also the concern about how it is going to be monitored and executed. So we will work on that Ed?

Ed Meehan: Yes.

Commissioner Hall: On page 2, A-2, B, I'd like to add the word decks. Collapsing or deteriorating exterior walls, roofs, stairs, porches, decks, railings, there is nothing in here about decks, and sometimes those can look pretty rough.

Chairman Pruet: That's a good point Cathy.

Commissioner Anest: I have a question. Where it says on page five, a due date within a reasonable time, for the performance of any act required, is there going to be like a certain time frame for different violations?

Chairman Pruet: Yes, I brought that up the last time we discussed this and I guess it's, they wanted that flexibility, the flexibility was brought up in the discussion, I think, I'd be happy to see a set time frame to get it corrected but.....

Commissioner Aieta: That lends itself, without a time period for different people getting different treatment. So someone could come in and get two days and someone could get four days and then, you know how that works.



Commissioner Woods: It all depends on what you are talking about. Some things could take an hour, some things could take three weeks to fix, so you have to have flexibility.

Commissioner Camerota: Maybe there should be a schedule, like cutting your grass, maybe give the person three days, and then, but if it's something like a deck, then its going to take longer.....

Commissioner Aieta: Who is going to, if it's going to be up to the discretion of the enforcement officer of what the time period is, and then it gets into the question of, does it give one person this amount of time and for the same violation, you get into problems like that.

Commissioner Anest: I mean, if you have the time for cut the grass, and you come in with a hardship and you say, listen, you know, whatever, it's been raining for three days and my yards a mud hole and I can't cut my grass, I mean, if they could set time limits for certain projects and then somebody could come in and request an extension, I'm working on it, I know I have this problem, and I'm working on it. Then, I mean, you're right. Barn Hill, you might get a bunch of neighbors really saying, my neighbor's grass is too long, it really has to be cut, and then you may be at the other end of town where it might be different, it shouldn't be like that.

Chairman Pruet: What we are going to do is, we could express our concern to the Council about a permanent date, or a reasonable time frame should be tweaked a little bit.

Commissioner Camerota: Maybe not put it into the ordinance, but maybe it should be suggested that whoever is going to enforce it, they come up with kind of specific guidelines for that, so maybe it won't be part of the ordinance, but that way, they have flexibility and if it's not working out on certain types of violations, they can change it, but it would be more of a guideline for whoever is enforcing it. That way, if you have different people enforcing it, you are not going to have different interpretations.

Chairman Pruet: Yeah, a reasonable time, and specific guidelines for enforcement.

Commissioner Camerota: Yeah, and maybe outside of the ordinance is more just how you word it.

Chairman Pruet: Okay, very good. Commissioner Lenares also asked for the information on auto related uses. You received that in your packet, feel free to discuss it at this time.

Commissioner Lenares: I appreciate getting all of this information that you got for us. I think it's pretty important that we take a look at this as we have discussed in the past, as we discussed a couple of months prior to this new Commission being here, and I think the bulk of the good, as I may say, or bad, to be honest but I think the bulk of what is going to enable this Commission to make a good decision on what is best for the town is going to come from the people at this table, it's going to come from maybe the public through, if they get involved of what their opinions may be, I don't know if that is permitted or not, but I think the opinions from us as a Commission, how we would look at possibly permitting something like this back again would heavily come from our table, and I think those have to be considered and I think that by putting it all together we can come up with something that is best for the town. I don't know the formal way of doing it, how you, I don't know if you just starting ripping apart what we are presented with, or make changes to, or whatnot, but I think it is something that needs some attention. We're limiting ourselves in this town, it's not what we should be doing, now especially in terms of trying to get more businesses for the town. We should be more open to

that as long as we could be, I don't want to use the word selective, but protective would be the word I would use.

Chairman Pruet: Anybody have any thoughts on that at this time?

Commissioner Aieta: You would have to, the procedure would be that we'd have to bring it to a public hearing, wouldn't that be the procedure Ed?

Ed Meehan: Yeah, well, I think you need to pick, well one of the staff reports I guess almost a year ago now, and we discussed this suggested four options and one of those on the third page in and if any of these seem to fit with the policy direction that the Commission wants to initiate, because this is a policy decision, or modify this in some respects, when you get your language set then you would bring it to public hearing and you would make your referral to the Capital Region Council of Governments, make sure all of the procedural steps are required, and you would bring it to public hearing. You adopt it as a policy change, an amendment to your zoning regulations. At the time this was drafted, there was some concern from some Commission members that we were creating a whole batch of non-conforming uses in the PD and Berlin Turnpike zone, because it was only limited to the Industrial zone. Then there were also concerns, if we were going to bring it back, let's try to tighten up on some of the design standards. Get some, I won't call it architectural review because we are not permitted to do that beyond the Business Town Center, but design standards that would affect the placement of the building on the lot, the setback, the orientation of the operational doors, outside parking of vehicles, if they were for sale, or service, so that was an attempt, and I think that was number four here, so there's some options here for you to talk about. If it is the sense of the Commission that you want to bring it back, then I think you can move, either you bring it back the way that it was in 2007 which is a straight forward amendment or you bring it back with some of these suggested changes or other changes that you want to bring forward. You have new Commission members so there are new viewpoints, now is the time to talk about it.

Chairman Pruet: I'd offer a suggestion I think we just got this packet and if we could review it again before our next meeting, put it on the agenda Ed, for discussion and see what everybody says. We do have new Commission members, we have different options, different attitudes, so if I can offer that as a suggestion, take our time, read it again, again some people probably didn't have the chance to really dissect it, and see if we want to move forward with it in reviewing it, let sleeping dogs lie, or whatever will be the consensus of this body. How does that sound for a format?

Commissioner Camerota: That sounds good, the only question is on public participation. When we put forth, if we decide to add it back in, then we have a public hearing and it's the only time that the public can comment, can we have them comment.....

Ed Meehan: I don't mean to interrupt you, but you could probably treat this as a workshop and invite, not quite in a formal way of a public hearing, but.....

Commissioner Camerota: But have public comments after we discuss it or.....

Ed Meehan: I would invite people up after you discuss it, and you get your thoughts on the table, is open it up for public input, not in a sense of a formal public hearing process where you advertise it, you're going to vote on it, but you will ask for viewpoints from the public, people in the auto related business may want to come and talk to you, you may have neighborhood people who want to talk to you, but before you get to the point of finalizing your

draft language for public hearing, that would be a good way I think of getting public participation. Just like a workshop session.

Commissioner Camerota: Otherwise, if we decide not to put it back in, we are never going to hear from the public.

Ed Meehan: Exactly.

Chairman Pruet: How would it be addressed on the agenda though, I mean.....

Ed Meehan: Well, I would put it under New Business, not in a public hearing call, and underneath that, just advertise that public participation, or public comments are welcome.

Chairman Pruet: Okay, now if the public is listening.....

Commissioner Anest: Would we be better off starting it at like 6:30 to 7:00 like, remember we were doing that before?

Commissioner Aieta: We don't have much on the agenda.

Chairman Pruet: It's a light agenda. Okay, so if we can keep this separate and review it, come up with your opinions, your input, and see what we want to do with it. Other remarks by Commissioners, I had my turn here with the blight and the auto related. Any other comments from Commissioners?

**X. STAFF REPORT**

None

**XI. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

Rose Lyons, 46 Elton Drive: First of all, on this blight ordinance, I attended both the Town Council meetings and these meetings regarding this ordinance and there have been a few people who have come out, especially one lady who had a problem with vegetation being dumped from neighbor's yard, a lot higher than hers and she had some complaints about that which she has addressed with other people in Newington, but it just seems to me that this blight ordinance started out at this table where it was trying to be made into some sort of way for our Zoning Enforcement Officer to enforce the existing blight ordinance and now it seems that it is taking on a whole new life. It's started to come up with, I don't know whether the screens, the bug screens was it or not, but you are sitting here tonight telling me that your zoning enforcement officer isn't going to do it and nobody knows who is going to do it, I just don't understand how there hasn't been a communication between the Town Council and this body. Last night Councilor Cohen asked about why they had the public hearing without getting input from the TPZ which I don't know, I'm sure you understand it, I'm just totally confused, I find it very disconcerting that you have to go to a couple of meetings to pick up information. Once again, as far as projects that go on in this town, the lighting on Market Square. When the gentleman from BL Engineers came up here and said that the lighting was controllable and dimmable, my eyes lit up and I said, gee, that's great. I don't think that the town has to come in front of you and get permission for everything that they do, but when it's affecting an area in this town, and people in this town, I think at least there should be some informal little site plans brought before you so that there can be some input from you people who know more about what is going on as far as zoning and things like that, and with

all due respect to the Committee, they did a really hard job, it was a really hard job to do that, and I was at some of the meetings and that lighting, there must be thirty-six lights there and now it's down to maybe twenty.....

Ed Meehan: Twenty-two.

Rose Lyons: They said it's LED lighting and it's that bright, because there have been break-ins and so forth, and so on, but it's just this blight ordinance really, I wish somebody would come to the Town Council meeting, Councilor Bottalico is here now, is there a Town Council liaison between this body.....

Commissioner Aieta: There's two, Mr. Bottalico is one of these.....

Rose Lyons: No, I've never seen anyone here from the Town Council other than when it was an issue about Cedar Mountain or something like that. I'm just wishing that there was a little coordination.....

Commissioner Aieta: Who is it Ed?

Ed Meehan: Terry Borjeson and the other one wasn't appointed yet when we did our updated roster, and that's a couple of weeks old.

Commissioner Aieta: Dave, this is to answer Rose, what she said. I think it started out where this Commission had questions about how our enforcement officer can enforce the zoning regulations. There is no enforcement because he doesn't have anything to hold over their heads, he can't issue a ticket, he can't fine them, he has to through a process that is so lengthy that these things go on for years, or could go on for years if someone is stubborn and wants to buck the system. That's where I think this Commission started. I don't know where the blight ordinance came from, it didn't originate from this Committee. We had questions about our own ability and we had talked about going to the Council and giving our enforcement officer the ability to cite people with some kind of a ticketing system with a fine, so we would get responses from violators. I don't know how that became, I don't know where the blight ordinance came from. There were two issues here, and we still haven't resolved the issue as far as what we can give our zoning enforcement officer tools to get his job done in a reasonable amount of time.

Chairman Pruet: Do you have any suggestions on that Ed?

Ed Meehan: Well the original blight ordinance which was adopted say ten, twelve years ago was only for vacant buildings and it just wasn't always operable, so when the Committee started to look at this, four years ago now, three years ago, it was a complete re-write to include occupied buildings but also to expand the items which were considered a nuisance and a lot of those are judgments but it was felt that looking at models of other communities that had been adopted that this was going to move forward and you're right, we still haven't gotten to the tools, specifically the zoning tool where a ticket can be issued, rather than a citation. We have the cease and desist process which is set forth in the statutes, we have the citation process, which is set forth in the statutes which put the violator, the alleged violator for zoning matter before a local hearing officer and one of the things that we had talked about with the former Town Attorney was the possibility of adopting a ticket process and we had, when Tom Ganley was here, Tom did a lot of work on that, brought it forward and we presented it modeled after West Hartford, and it went over to Attorney Nassau's office I think even before Ben had it and that's where, it just withered.

Commissioner Aieta: Can we get it, we have a new Town Attorney, can we get it back to him, to Boorman and have him take a look at it and see if he will move it along?

Chairman Pruet: Do you know where that is now Ed?

Ed Meehan: Yeah, Art Hanke, the zoning officer has a file that he worked with, with a couple of former town attorneys on trying to get it moving along. It's going to take Council action on that too.

Commissioner Aieta: I understand but we could at least get, if we had the Town Attorney finalize it and bring it to the Council, have something to bring to the Council that they can act on, we just can't let the ball, I mean, it's been years that we have been talking about this.

Chairman Pruet: I'll speak with the Mayor and get that approval to get him to take a look at it. I'll follow up on that with Mr. Hanke and the Mayor and authorize Pete Boorman to take a look at it. You're right, this evolved into.....

Commissioner Aieta: Okay. It started as one thing and ended up another.

Chairman Pruet: Do you have any idea how they might be enforcing this Ed?

Ed Meehan: Well some other communities have what they call an environmental officer and it's not the zoning officer. The environmental officer is someone who goes out, it's a new position, but they enforce erosion control measures on all sites, whether it's a single family home up to a super box store, they enforce inland wetlands, they enforce the blight ordinance and that is pretty much their charge.

Commissioner Aieta: Sounds like the duties of the Town Engineer.

Commissioner Lenares: Who does all that now?

Ed Meehan: It's split, Town Engineer does some of the erosion control inspections, the Building Department flags it on individual sites, the Town Engineer works for the Inland Wetlands so he does the wetlands citations, there's minimal of those, a couple a year, so that's how some communities handle it. I don't know what else they throw into the environmental officer, they may have some other things to do, maybe they have a junk car ordinance, so they give that requirement to the officer.

Chairman Pruet: Are they leaning toward the Health Department for this?

Ed Meehan: I don't know what, who's going to get the good job of doing this. This is very hard to do, to knock on somebody's door and tell them that your grass is too high, or put your trash cans in, we all live in a community, so you have to be reasonable, so you are asking a lot.

Commissioner Anest: A constable.

Chairman Pruet: That's what some of them, I was told some of them do that, give it to them for.....

Ed Meehan: Well, for the ticketing process that's what you could do.

Chairman Pruet: Anybody else from the public?

Michael Fox, 1901 Main Street: Thank you Mr. Chairman. It was just pointed out to me, I wasn't there last night, but it was just pointed out to me that Phil Block, Chairman of the Conservation Commission made quite a few comments regarding the blight ordinance, Councilor Bottalico said it was about five pages, maybe you should take a look at that, maybe that would help you.

Chairman Pruet: Thanks.

Commissioner Aieta: Could we get that Ed.

Ed Meehan: I haven't seen it but I'll try to get it. If he put it into the record, it's available.

Chairman Pruet: Do you have any idea, Jay, you might, I spoke to Steve, he said he was going to keep it open, okay good.

Councilor Bottalico: Until you guys report back. I have a question, can I ask it?

Jay Bottalico, 37 Valley View Drive: My question is, the state owned property, I don't think we have any jurisdiction whatsoever.....

Ed Meehan: Nope, you don't.

Jay Bottalico: So I don't know, a lot of the people who came up complained about commercial and state property and I know we had a real problem on New Britain Avenue and Willard last year, the grass was sky high, and you just had to wait for them. So, I don't know what we can do about the State.

Chairman Pruet: Probably internal, from the Town Manager's office to the appropriate State agency.....

Jay Bottalico: We did discuss that because they are responsible for twenty-five foot off the center of the street, but you're not going to force it.

Commissioner Camerota: That was part of their cost saving measures last year, they weren't going as far.....

Commissioner Lenares: They are the worst offenders.

## **XII. CLOSING REMARKS BY CHAIRMAN**

Chairman Pruet: I'd like to thank Commissioner Turco for his participation and your volunteerism as a member here and I wish you well in your further pursuit of your education and thank you for serving.

## **XIII. ADJOURNMENT**

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Norine Addis, Recording Secretary

